

Cancel claims 2 and 3.

Please add new claims 12 and 13 as shown in the enclosed sheet labeled NEWLY ADDED CLAIMS.

#### REMARKS

Responsive to the office action dated December 18, 2001, reconsideration and allowance of claims 1, 4-11 and newly added claims 12 and 13 is respectfully requested.

Formal drawings will be submitted when the examiner indicates that allowable subject matter is present in the application.

The specification has been amended in a manner to obviate examiner's objection.

The rejection of claims 1 and 4-11 (and newly added claims 12-13) under 35 U.S.C.103(a) as being unpatentable over Sui in view of Rodebaugh et al and Schumann and further in view of Seibert is traversed for the reasons to follow.

Sui discloses a disposable table cloth having, inter alia, Velcro type fasteners secured to the cloth extensions, adjacent corner fasteners having hook and loop type fasteners. When the cloth is covered over a table, the extensions are turned into the bottom table surface enabling each pair of adjacent extensions to be firmly attached by means of the hook and loop fasteners. In essence, the table cloth fastens to itself. It is also noted that the extensions require additional material, adding to the material needed to cover the top surface of the table increasing the cost of the table cloth itself.

In contradistinction thereto, applicants gaming cloth as set forth in claims 1 and 4 is stretchable and has fastener members formed on its border portion. The gaming table as set forth in claims 5-8 recites a fastener member formed around the circumference of a downwardly extending table portion, a feature not shown or disclosed in Sui.

Rodebaugh et al discloses an outdoor table cover using, inter alia, a plurality of loops and cord means to secure the cover to the table. However, the loop and cord means are not an integral element of the table.

Although Schumann discloses a specific single holding device, applicant discloses and claims a series of hooks formed on a perforated strip that extends around the table edge in conjunction with a table cloth that has complementary loop members, a structure clearly not shown or disclosed in Schumann. *duplication*

The Siebert reference teaches how to make a gaming cloth and thus is not relevant to applicant's claimed invention.

In Robotic Vision Systems Inc. v. View Engineering Inc., 51USPQ2d 1948, 1954 (Fed. Cir. 1999), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. 103. In particular, the Court noted that the combination of two or more references "must show some motivation or suggestion to combine the teachings", also citing In re Rouffet, 47USPQ2d 1453 (Fed. Cir. 1998). It is clear that there is no motivation to modify the primary Sui reference in view of the teachings of the secondary references to make applicant's claims obvious without the use of hindsight.

In view of the above, it is believed that claims 1, and 4-13 patentably distinguish over the Sui, Rodenbaugh et al, Schumann and Siebert references and it is requested that the application be passed to issue with these claims therein.

Respectfully submitted,



Irving Keschner  
Attorney for Applicant  
Reg. No. 24,547  
February 4, 2002  
Patents\Salerno.am1

### MARKED UP VERSION OF CLAIMS

1. (amended) A stretchable gaming table cloth comprising a fabric having a predetermined shape and size, the fabric having a border portion, said border portion extending continuously around the circumference of said cloth and a fastening member secured to [the bottom] one surface of said cloth border portion around the circumference thereof.

4. (amended) The gaming cloth of claim 1 wherein said fastening member comprises a Velcro [loop members] fastening system.

8. (amended) A gaming table system comprising:

a gaming table cloth comprising a fabric of a predetermined size and shape, the fabric having a [bottom] border portion and a first fastening member secured to [the bottom] one surface of said cloth border portion; and

a gaming table comprising a surface portion, a portion extending substantially perpendicular from said table surface and around the circumference thereof, and a second fastening member secured around the circumference of said perpendicularly extending table portion, said gaming table cloth being positioned on the surface of said table whereby said first fastening member is releasably secured to said second fastening member.

9. (amended) The system of claim 8 wherein said first fastening member comprises a first component of a Velcro hook and loop fastener system.

10. (amended) The system of claim 9 wherein said second fastening member comprises the second component of said Velcro hook and loop fastener system.

11. (amended) The system of claim 9 wherein said second fastening member comprises a metal strip having hook members protruding therefrom and said first

fastening member comprises said loop component of said Velcro hook and loop fastener system.